

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 October 2008 has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 9, 13, and 15-19, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, et al. (US 2002/0056961 A1) ("Sasaki") in view of Fujiwara. Sasaki discloses:

Claims 1 and 16-17: package member (10); sheet package (10); printer (abstract); side part (23 and 25); edge (23 and 25; See FIG. 6 below, note that the front sections are identified in regions.); sheet storage unit (40); projecting part (55); fold-back part (11h); fold line (30); (Note: at *least one of the sides* of the sheets is capable of being in flush contact with the projecting member, especially as the user places the package into the storage unit.)

Claims 2 and 3: package member (10); perforated line (23 and 25, Note: 23 and 25 were are *capable of* being provided with perforated lines to cut them); side part into two parts (23 and 25);

Claim 4: projecting part (55); sheet storage unit (40); pressing member (55; Note: every action has an equal and opposite reaction. Therefore, 55 presses the stack of sheets when they press 55.);

Claim 9: projecting part (55); level difference (See FIG. 6, 50 and 52); side wall of the sheet storage unit (55 at 40); side part (23 and 25);

Claim 13: sheet package (10); single sheet-like member (paragraph [0069]);

Claim 15: sheet package (10); paper (paragraph [0069])

Claim 18: first part and second part (23/25);

Claim 19: perforated portion and cut portion including a cut part (23/25).

Sasaki does *not directly show* the side part at a first and second position.

Fujiwara shows a similar device having the side part at a first and second position (2) for the purpose of reliably picking up sheets one at a time right up to the final sheet (paragraph [0007]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Fujiwara and include Fujiwara's similar device having the side part at a first and second position for the purpose of reliably picking up sheets one at a time right up to the final sheet.

Ishiduka shows a similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a sensor provided to the sheet storage unit, or a difference between a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line and a distance from the pressing member to a rear wall of the sheet storage unit in the sheet feed direction is smaller than a maximum permissible displacement of the mark for the sensor wherein the mark indicates the type of the stack of sheets for the purpose of allowing the printer to read the paper information from the mark.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Fujiwara and further in view of Ishiduka. Sasaki discloses all the limitations of the claims as discussed above. Sasaki does not directly show a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, or a length of the side part in the sheet feed direction after the removal of

the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction.

Ishiduka shows a similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction (column 6, lines 17-32; FIG. 1 and 3A) for the purpose of allowing the printer to read the paper information from the mark (column 6, lines 22-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Sasaki as taught by Ishiduka and include Ishiduka's similar device having a package member provided with a mark which can be read by a sensor provided to the sheet storage unit, and a length of the side part in the sheet feed direction after the removal of the one of the two parts at the perforated line that is substantially equal to a distance from the level difference to a rear wall of the sheet storage unit in the sheet feed direction for the purpose of allowing the printer to read the paper information from the mark.

Allowable Subject Matter

Claim 20 is allowed.

Response to Arguments

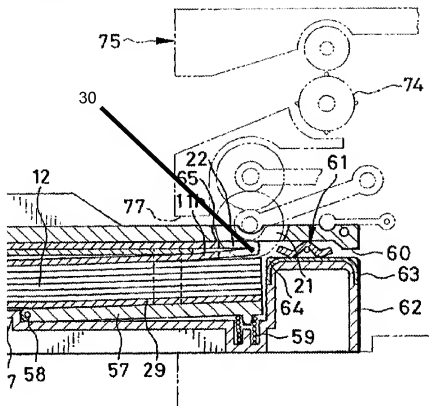
Applicant's arguments filed 2 October 2008 have been fully considered but they are not persuasive.

The Office Action asserts that the push plate 11h of Sasaki corresponds to the claimed fold back part and that the cutout 25 of Sasaki corresponds to the claimed front edge (see Office Action, page 3). However, the push plate 11h of Sasaki folds along a bend line 30 that is disposed outside of an area above both the recording sheets 12 and the cutout 25 of the package outlet 20 (see Fig. 2 of Sasaki). (original emphasis)

Regarding the recitation in relation to the recording sheets, or "contents [used] during an intended operation", see MPEP § 2115, "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." Therefore, this recitation has "no significance in determining patentability".

However, *in arguendo*. See FIG. 7 duplicated in part below.

FIG. 7



Note that bend line 30 of fold-back part 11h is "between the front edge and an edge of the stack of sheets [12]". Therefore, the claims are rendered obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD W. MCCLAIN whose telephone number is (571)272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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